

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION**

TAMI LONG, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

COVENANT TRANSPORT, INC.,

Defendant.

Case No. 1:15-cv-00278-TRM-SKL

Class Action

Hon. Travis R. McDonough

**JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, APPROVAL OF NOTICE TO CLASS MEMBERS AND RELATED  
MATERIALS, APPROVAL OF SETTLEMENT ADMINISTRATOR, AND THE  
SETTING OF A FINAL APPROVAL HEARING**

Come the parties,<sup>1</sup> by counsel and pursuant to Fed. R. Civ. P. 23 (e), who hereby move for the following relief. Pursuant to this Court's Order, a hearing has been set for this joint motion for December 13, 2016. (ECF No. 39). This Motion is accompanied by a Memorandum of Law. The parties will submit a Proposed Order prior to the hearing.

1. Preliminarily certifying the class for purposes of settlement;
2. Preliminarily appointing Plaintiff as the Class Representative for purposes of settlement;

---

<sup>1</sup> In joining in this Motion, Defendant preserves and maintains all defenses to Plaintiffs' claims and is only joining in this Motion for the purpose of obtaining preliminary approval of the settlement reached by the parties. In so joining, Defendant makes no objection to the manner in which Plaintiff proposes the settlement be distributed, but does not make any admission that Plaintiff is entitled to any relief or that certification of this class is appropriate for purposes other than this settlement. Moreover, Defendant makes no admission regarding the propriety of any fee award.

3. Preliminarily appointing Donna Mikel of Burnette, Dobson & Pinchak, Craig J. Ackermann, Esq. of Ackermann & Tilajef, P.C. and Jonathan Melmed of Melmed Law Group P.C. as Class Counsel for purposes of settlement;
4. Preliminarily approving the settlement as fair, adequate, and reasonable, based upon the terms set forth in the parties' Joint Stipulation of Class Action Settlement And Release ("Settlement Agreement"), including payment by Covenant Transport, Inc. ("Defendant" or "Covenant") of the non-reversionary Gross Settlement Amount ("GSA") of \$500,000;
5. Preliminarily approving the Enhancement Award of \$8,000 to Plaintiff in recognition of her service to the Settlement Class and in exchange for her agreement to a general release of all her claims which is broader than the release given by the Class;
6. Preliminarily approving Class Counsel's request for up to one-third (1/3) of the GSA as attorneys' fees, plus reimbursement of litigation costs up to \$15,000;
7. Appointing CPT Group, Inc., as the third-party administrator for mailing notices and for claims administration, and approving that up to \$28,000 be deducted from the GSA for the costs of claims administration, and approving that the fees and costs of the claims administrator will be paid from the GSA; and
8. Approving the proposed Class Notice and Claim Form, attached **Exhibits A** and **B**, respectively to the parties Settlement Agreement, which is itself attached as **Exhibit 1** to the Declaration of Craig Ackermann, filed herewith, and ordering they be disseminated to the class as provided in the Settlement Agreement.
9. Setting a Final Settlement Approval Hearing for a convenient date no earlier than 120 days following the date of the Preliminary Approval Hearing.

Respectfully Submitted,

ACKERMANN & TILAJEF, P.C.

s/ Craig J. Ackermann

Craig J. Ackermann, CA Bar No. 229832  
1180 South Beverly Drive, Suite 610  
Los Angeles, CA 90035  
Telephone: (310) 277-0614  
Facsimile: (310) 277-0635  
Email: cja@ackermanntilajef.com

MELMED LAW GROUP P.C.

s/ Jonathan Melmed

Jonathan Melmed, CA Bar No. 290218  
1180 South Beverly Drive, Suite 610  
Los Angeles, CA 90035  
Telephone: (310) 824-3828  
Facsimile: (310) 862-6851  
Email: jm@melmedlaw.com

BURNETTE, DOBSON & PINCHAK

s/ Donna J. Mikel

Donna J. Mikel, TN Bar No. 020777  
711 Cherry Street  
Chattanooga, TN 37402  
Telephone: (423) 266-2121  
Facsimile: (423) 266-3324  
Email: dmikel@bdplawfirm.com

*Attorneys for Plaintiff Tami Long*

LITTLER MENDELSON, P.C.

s/ Kai-Ching Cha

Kai-Ching Cha, CA Bar No. 218738  
Richard H. Rahm, CA Bar No. 130728  
Perry Kim Miska, Jr., CA Bar No. 299129  
650 California Street, 20<sup>th</sup> Floor  
San Francisco, CA 94108-2693  
Telephone: (415) 433-1940  
Facsimile: (415) 399-8490  
Email: kcha@littler.com  
Email: rrahm@littler.com  
Email: pmiska@littler.com

*Attorneys for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of November, 2016, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

By: s/ Donna J. Mikel